



Appeal Decision

Site visit made on 12 September 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2023

Appeal Ref: APP/N4720/W/23/3324777

28 The Village, Thorp Arch, Wetherby, West Yorkshire LS23 7AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mrs Katie Riding against the decision of Leeds City Council.
- The application Ref 22/08304/COND, dated 28 November 2022, sought approval of details pursuant to condition No 3 of a planning permission Ref 21/09066/FU, granted on 20 May 2022.
- The application was refused by notice dated 15 May 2023.
- The development proposed is Two storey side extension, part two part single storey rear extension, new window to the rear and demolition of attached store.
- The details for which approval is sought is condition 3 (external materials).

Decision

1. The appeal is allowed, and the details submitted pursuant to condition No 3 attached to planning permission Ref 21/09066/FU granted on 20 May 2022 in accordance with the application dated 28 November 2022 and the plans submitted with it are approved.

Procedural Matters

2. It is undisputed that the windows in question have already been fitted into the property. I have therefore assessed the appeal on a retrospective basis.
3. The decision notice does not cite any development plan policies. I have therefore had regard to those listed in the officer report and the provisions of the National Planning Policy Framework (The Framework) on this matter.

Background and Main Issue

4. Consent was granted under ref 21/09066/FU for a two storey side extension, part two part single storey rear extension, new window to the rear and demolition of attached store. A condition was imposed relating to the external materials and states, *'prior to the construction of the side and rear extensions or the insertion of new external features, full details of external materials including window details associated with these works, including sample panels where appropriate, shall be submitted to, and approved in writing by, the Local Planning Authority. Any sample panels shall be erected on site and made available for inspection by the Local Planning Authority. The construction of the side and rear extension and the insertion of new external features shall thereafter be carried out in accordance with the approved details'*.
5. The reason for the condition is in the interests of preserving the character and appearance of the Thorp Arch Conservation Area (CA). Consequently, I

consider that the main issue in this case is whether the details submitted in respect of the external materials meets the requirements of condition 3 with regard to the character and appearance of the CA.

Reasons

6. The appeal site relates to a historic cottage that is situated in a prominent and central position fronting onto the main road. It is characterised by a simple architectural form with a symmetrical frontage. The walls are constructed with magnesium limestone and the roof comprises natural slate. The windows upon the front elevation are white timber Yorkshire sliding sash with thick limestone heads. Amongst other works, the property has been extended to the side following the grant of planning permission under ref 21/09066/FU and new windows have been installed to the front elevation at ground and first floor level.
7. As referred to above, the site falls within the CA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Moreover, the Framework advises that great weight must be given to the conservation of designated heritage assets and any harm which is less than substantial must be weighed against the public benefits of the proposal.
8. The significance of the CA is derived from its historical and aesthetic merits. The Thorp Arch Conservation Area Appraisal and Management Plan, 2009 (CAAMP) explains that magnesian limestone remains the predominant building material in the settlement and many buildings retain their original timber doors and windows. The simplicity and symmetry of the property contributes to the historic character of the area and the appeal property is recognised as a positive building within the CAAMP. In accordance with the CAAMP, the property falls within Character area 1 – historic village and field pattern where key characteristics include, amongst others, the uniform palette of local magnesium limestone and natural slate as well as regular, simple window pattern. It goes on to explain key ways to retain character and includes, amongst others, retain the uniform palette of building materials and retain existing timber windows and doors, and encourage the replacement of existing uPVC windows with painted timber windows or appropriate design as opportunity arises.
9. In determining the previous planning permission under ref 21/09066/FU, the officers report explains that the materials proposed for all extensions and the fenestration detailing will match the existing and are therefore recognised as sympathetic. A condition was therefore imposed to ensure that the materials are an appropriate match.
10. The details submitted pursuant to condition 3 include amongst others, timber framed flush casement sash with matching fenestration, dimensions, and design. I appreciate the council's comments that the casement element opposed to sliding shows a much thicker frame to support internal handles and lacks the recessing of the existing sliders. However, I was able to observe the windows in situ at my site visit and noted that the casement windows largely mirror the overall design/style and arrangement of the original windows and comprise timber materials of the same colour. Whilst the frames are slightly thicker and there is a lack of recess in comparison to the existing sliders, the

development suitably preserves the main characteristic features of the host property and wider CA, and the overall window arrangement is not so dissimilar to adversely affect the visual appearance of the building or character and appearance of the CA.

11. Additionally, at my site visit I noted that a range of window detailing was present in the locality, which included both sliding sash and casement windows along with other styles and also comprised a range of materials. On this basis, the window detailing provided does not appear discordant when viewed in context of the diverse appearance of other windows nearby which are equally as visible and prominent within the street scene.
12. I note comments made in relation to building regulations and fire safety risks and whilst established window providers may be able to offer Yorkshire sliding sash windows in compliance with building regulations, this would not change my findings on the main issue.
13. The condition in question also covers several other matters and the Council's decision notice explains that details and photographs submitted with regard to sample walls panel, stone lintels and roofing materials submitted on the 4th of January and the 14th of February 2023 are acceptable. I have had due regard to such details and based on the information before me and my own observations onsite, I have no reason to disagree with the Council's position in relation to this.
14. For the reasons given above, I conclude that the submitted details does not unacceptably affect the character and appearance of the existing property and preserves the character and appearance of the CA. It therefore accords with the design and heritage aims of the policies contained within the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) and Leeds Unitary Development Plan (Review 2006). For the same reasons, it also accords with the Leeds City Council Householder Design Guide Supplementary Planning Document, 2012, the CAAMP and the Thorp Arch Neighbourhood Plan Development Plan 2017-2028. The submitted details also complies with the aspirations of the Framework relating to conserving and enhancing the historic environment.

Other Matters

15. The appellant refers to replacing other windows in the property with similar windows to that submitted pursuant to condition 3 and has provided details regarding the current conditions. However, I am only considering the details submitted pursuant to condition 3 attached to planning permission Ref 21/09066/FU as part of this appeal opposed to any other works that may take place in the future.
16. I note previous engagement between the Council and the appellant including the timeline of events. However, this does not change my findings on the main issue.
17. In considering this appeal, I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010, in particular the need to eliminate discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed.

N Teasdale

INSPECTOR